

## OFFICE OF CONGRESSIONAL AFFAIRS

### Routing Slip

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	X	
3. DD/Senate Affairs		X
4. Ch/Senate Affairs		
5. DD/House Affairs		X
6. Ch/House Affairs		
7. Admin Officer		
8. FOIA Officer		
9. Constituent Inquiries Officer		
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SUSPENSE

7 SEPT 88

Date

STAT

Action Officer:

Remarks:

no objection given  
to ONS 8/27/88

EJ 18 AUG 88

Name/Date

**OFFICE OF CONGRESSIONAL AFFAIRS****Routing Slip**

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SUSPENSE

7 SEP 83  
Date

Action Officer:

Remarks:

STAT

EJ 18 AUG 88

Name/Date



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

August 16, 1988

OCA 2757-88

**SPECIAL**

OCA FILE

**LEGISLATIVE REFERRAL MEMORANDUM**

**TO: Legislative Liaison Officer -**

Department of Justice  
National Security Council  
Department of State  
Central Intelligence Agency

**SUBJECT:** Defense draft report on H.R. 4235, "Nonintervention Act of 1988."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than  
**WEDNESDAY, SEPTEMBER 7, 1988.**

Questions should be referred to **SUE THAU/ANNETTE ROONEY** (395-7300), the legislative analyst in this office.

*Ronald K. Peterson*

**RONALD K. PETERSON FOR  
Assistant Director for  
Legislative Reference**

**Enclosures**

**cc:** J. Eisenhower  
A. Donahue  
D. McGrath  
A. Raul

**SPECIAL**

In Reply Refer to:  
I-88/10432

Honorable Les Aspin  
Chairman, Committee on Armed Services  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request of 30 March 1988 for the views of the Secretary of Defense on H.R. 4235, 100th Congress, a bill entitled "Nonintervention Act of 1988."

H.R. 4235 would limit the introduction of U.S. Armed Forces into Honduras and Nicaragua for combat and establishes strict Congressional notification requirements. The bill requires the President to notify Congress in writing at least 30 days in advance of U.S. military exercises in Honduras and states that those exercises will not be conducted within 20 miles of the Honduras/Nicaragua border. Under provisions of this bill, the number of U.S. Armed Forces personnel allowed in Honduras at any one time would be limited to the number there on 15 March 1988. All of these restrictions would be in addition to the War Powers Act.

The legislation would severely limit the President's constitutional authority as Commander-in-Chief to deploy U.S. Armed Forces in both peacetime and time of conflict. It attempts to place restrictions on that authority that are greater than those that are contained in the War Powers Act. It would necessitate a piecemeal national security strategy tied to legislative inflexibly keyed to a specific geographical area and linked to specific conditions.

The Department of Defense is opposed to this legislation. Section 2 of the bill would prevent the U.S. from fulfilling its obligations to respond to requests for assistance from the Government Honduras until we had specific approval from the U.S. Congress. This is in direct contravention of the Rio Treaty. The time-consuming process called for in the bill could effectively make U.S. assistance moot. Passage would certainly raise more doubts among the democratic leaders in Central America concerning the U.S. commitment to democracy and defense of our neighbors. Clearly, it would be considered a slap in the face for the Hondurans, one of our strongest regional allies.

It would also send the wrong signal to our other allies in Latin America.

The definition of combat in the bill is too broad and imposes too many restrictions. The Sandinistas could conceivably use this to effectively manipulate U.S. policy. For example, the continued presence of U.S. forces at Joint Task Force-Bravo (JTF-B) could be placed in jeopardy by the Sandinistas by merely covertly emplacing and then detonating a mine at Honduras' Palmerola AB regardless whether or not U.S. personnel were injured. Nicaragua could also forestall U.S. troop deployments into Honduras by initiating an exchange of fire along the border or bombing Honduran territory. Our deterrence is based not only on a prompt response capability but also on the uncertainty of our exact response. This legislation removes that uncertainty for the Sandinistas.

Section 3 of the bill limits the President's authority to determine the need and location for training of U.S. forces. No clear definition of an exercise is included. The requirement to provide 30 days written notice to Congress is an attempt by Congress to expand the War Powers legislation to include peacetime military training, combined operations and security assistance. The 30-day advance notification would also preclude a repetition of the recently successful Golden Pheasant Emergency Deployment Readiness Exercise by the U.S. in support of the Government of Honduras.

Determination of how close U.S. forces should approach the Nicaraguan border should not be legislated by Congress. Military exercises and maneuvers are planned jointly by the U.S. and Honduras and selection of the location for these activities rest solely with Honduras. Any U.S. legislative restriction which would limit Honduras' ability to select the location of an exercise on its own territory would be seen as an infringement on Honduran sovereignty. Further, a twenty mile restriction from Nicaraguan borders would imply that the U.S. believes that Honduras is incapable of maintaining sovereignty within their territory or providing security in areas within twenty miles of Nicaragua.

Section 4 of the bill places unacceptable restrictions on the Commander-in-Chief of the U.S. Southern Command and the U.S. Ambassador in Honduras in accomplishing their assigned missions. Such a provision would prevent the expansion of JTF-B in responding to non-combat operations in Central America such as disaster relief.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,